

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA (RENO)**

In re:
Larry Dwaine McGuire
Debtor

Appellant
Noel Perez
-v-
Office of United States Trustee

Case Number BK-N-09-53599, 09-00015

District Case # 3:09-cv-00758-LRH-RAM

Judge: Larry R. Hicks

***Motion instante* ; ORDER**

Now comes Appellant by and through Counsel and moves this Court for an order instante allowing Appellant an extension to file his brief out of time.

This request is not interposed for delay and will not delay the Court's overall briefing schedule. This Court set a briefing schedule which would have ended on March 18, 2010 with Appellant's reply brief. Appellant would request that the Court grant Appellant's opening brief due on February 26, 2010, Appellee's Answer brief due March 15, 2010 and Reply brief due March 18, 2010.

This is Appellant's first request for any extension. For cause the undersigned was not properly entered in the District Courts **ecf** system and did not receive the electronic notice of the Court's order. A review of the Appellant's bankruptcy file and the District Court file discovered the date set by the

Court. Counsel does not anticipate any undue delay or prejudice to the Appellee. By truncating the time to respond to Appellee's Answer brief the Appellant can maintain the Court's schedule to have the matter briefed by March 18, 2010.

Respectfully Submitted,

/s/ Donald R. Harris

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CERTIFICATION OF SERVICE

I certify that a copy of the above captioned motion instanter was served via electronic mail to the parties listed below this 22nd day of February 2010.

/s/ Donald R. Harris

Office of United States Trustee
Nicholas Strozza
Nick.strozza@usdoj.gov

ORDER

IT IS SO ORDERED this 24th day of February, 2010.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

Affidavit

Erie County

Ohio

February 22, 2010

Now comes the affiant having being duly sworn does here by state the following:

1. I am Donald Harris pro hac counsel on the appeal of Noel Perez of the Judgment of the bankruptcy court in case number **BK-N-09-53599**.
2. I have been registered in the Federal Bankruptcy Court for the District of Nevada since prior to November of 2009.
3. I have received no docket information or orders from the Court Clerk in regards to the Perez appeal since the referral to the district Court.
4. Upon notification and research I renewed/ updated registration in the District Court to properly receive notices.

Further sayeth naught.

Signed: 

Date: 2-22-2010

FURTHER AFFIANT SAYETH NAUGHT

On this 29th day of March 2007, the above affiant, after having been duly sworn, did sign his name and attest to the above.


GAYLE MALES #0037220
Notary Public
Attorney AT LAW

My Commission never expires.